

#36  
22  
8/14/03PATENT  
Customer No. 22,852  
Attorney Docket No. 9210.8050-00**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

Burton G. CHRISTENSEN, et al.

Application No.: 09/457,926

Appeal No.: 2003-1717

Filed: December 8, 1999

For: NOVEL ANTIBACTERIAL AGENTS

Group Art Unit: 1627

Examiner: M. Garcia Baker

BOARD OF PATENT  
APPEALS &  
INTERFERENCES

JUL 21 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**Notice of Reopening of Prosecution**

This letter is being furnished to the Board to apprise them that Appellants in this case have filed a Request for Continued Examination in order to re-open prosecution. Please find enclosed a copy of the RCE Request and a copy of the stamped and dated postcard, indicating that the RCE was filed on July 15, 2003.

Appellants respectfully request that the Board dismiss the pending appeal in this case and expedite a transfer of the file and its contents back to Technology Center

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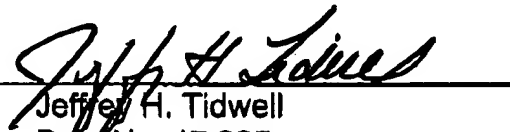
1600, Group Art Unit 1627, and Examiner M. Garcia Baker. Appellants greatly appreciate any efforts the Board can make in expediting the transfer process.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 21, 2003

By:

  
Jeffrey H. Tidwell  
Reg. No. 47,995

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correspondence is to be sent)

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**PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:**

In Re Application of: Burton G. CHRISTENSEN, et al.

Application No.: 09/457,926

Group Art Unit: 1627

Filed: December 8, 1999

Examiner: M. Garcia Baker

For: NOVEL ANTIBACTERIAL AGENTS

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1. Executed Associate Power of Attorney (1 pg.)
  2. Request for Continued Examination (1 pg.)
  3. Submission Under 37 C.F.R. § 1.114  
(57 total pages, including 21 pages in Appendices A, B and C)
  4. Appendices:
    - A. *Physicians' Desk Reference*, 53<sup>rd</sup> Edition, 1999 (9 pgs.)
    - B. *Stedman's Medical Dictionary*, 26<sup>th</sup> Edition, 1995 (5 pgs.)
    - C. "The Rise of Antibiotic-Resistant Infections," by Ricki Lewis, Ph.D.,  
FDA Consumer Magazine (Sept. 1995) (7 pgs.)



Dated: July 15, 2003

Docket No.: 9210.8050-00

(Due Date: N/A)

AMS/JHT:srp - Mail Drop 670

JHT

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**FACSIMILE TRANSMITTAL**

To: Board of Patent Appeals and Interferences  
 Firm: USPTO (Group Art Unit: 1627)  
 Fax No.: (703) 308-7952 Phone No.: (703) 308-9797  
 Application No. 09/457,926  
 Appeal No. 2003-1717  
 Subject: Atty. Doc. 9210.8050-00 Date: July 21, 2003

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JUL 21 2003

From: Jeffrey H. Tidwell Phone No.: 202-408-4214  
 Fax # Verified by: (202) 408-4400 No. of Pages (incl. this page) 6  
 S. Perlie - MD 670

Confirmation Copy to Follow: No

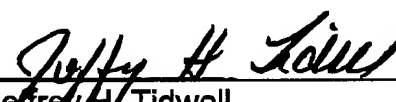
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JUL 2 2003

**Message:**

**CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R § 1.8**

I hereby certify that the attached papers, (1) Notice of Reopening of Prosecution, (2) copy of date stamped postcard, (3) a copy of an Associate Power of Attorney, and (4) a copy of the RCE transmittal sheet are being transmitted by facsimile to the U.S. Patent and Trademark Office on the above-identified date.

  
 Jeffrey H. Tidwell  
 Reg. No. 47,995

JHT/srp

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